

AMENDED IN ASSEMBLY APRIL 17, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 2501

**Introduced by Assembly Member Wolk
(Coauthor: Assembly Member DeSaulnier)**

February 21, 2008

An act to add Part 1.6 (commencing with Section 10100) to Division 6 of, and to add Division 33 (commencing with Section 83000) to, the Water Code, relating to water, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2501, as amended, Wolk. ~~Water: planning~~ *Climate change and water resources.*

(1) Under existing law, various state and local agencies engage in water resource planning.

This bill would enact the Climate Change and Water Resource Protection Act of 2008. The bill would require the Department of Water Resources, as part of its statewide water resource management responsibilities, to include an analysis of the potential effects of climate change, to the extent applicable, in reports or plans relating to water management or planning that the department is required to prepare. The bill would prohibit the department from approving a request for a specified grant, submitted after January 1, 2011, unless certain requirements are met. The department would be required, by July 1, 2009, to identify available peer-reviewed information, or the best available scientific information, regarding climate change and water resources for the state and each of the state's hydrologic regions for specified uses. The bill would require an urban water supplier ~~and or~~ an agricultural water supplier that is required to prepare a water

management plan to take certain action relating to specified climate change information, as provided.

The bill would require the department, in collaboration with other state agencies, to prepare a report that quantifies the energy savings and greenhouse gas emission reductions associated with water supply development. The department would be required to submit the report to the Governor and the Legislature, and to make it available to the public, on or before January 1, ~~2009~~ 2010. The bill would require the state board and each California regional water quality board to consider specified matters relating to climate change for the purpose of reviewing applicable water quality standards in accordance with the federal Clean Water Act.

(2) Under existing law, various bond acts have been approved by the voters to provide funds for water projects, facilities, and programs. The Disaster Preparedness and Flood Prevention Bond Act of 2006, a bond act approved by the voters at the November 7, 2006, statewide general election, authorizes the issuance of bonds in the amount of \$4,090,000,000 for the purposes of financing disaster preparedness and flood prevention projects. The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, an initiative bond act approved by the voters at the November 7, 2006, statewide general election, authorizes the issuance of bonds in the amount of \$5,388,000,000 for the purposes of financing a safe drinking water, water quality and supply, flood control, and resource protection program. The Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, approved by the voters at the November 5, 2002, statewide general election, authorizes, for the purposes of financing a safe drinking water, water quality, and water reliability program, the issuance of bonds in the amount of \$3,440,000,000.

This bill, with regard to those bond funds, would appropriate ~~\$610,890,000~~ \$610,160,000 as follows: of the funds made available pursuant to the Disaster Preparedness and Flood Prevention Bond Act of 2006, ~~\$50,000,000~~ \$54,000,000 to the Department of Water Resources for essential emergency preparedness supplies and projects, and \$150,000,000 to the department for stormwater flood management project grants; of the funds made available pursuant to the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, \$50,000,000 to the State Department of Public Health for grants for small community drinking water system infrastructure improvements and related actions, \$50,400,000 to the

State Department of Public Health for grants for projects to prevent or reduce the contamination of groundwater that serves as a source of drinking water, \$40,000,000 to the department for administrative costs, planning grants, and local groundwater assistance grants, ~~\$50,000,000 to the department for projects that improve the quality of the drinking water supply from the Sacramento-San Joaquin Delta~~ \$55,000,000 to the department for drinking water intake facility projects, \$60,000,000 to the department and the Central Valley flood Protection Board to increase the department's ability to respond to levee breaches and to reduce the potential for levee failure, \$100,000,000 to the department and the board for the acquisition, preservation, protection, and restoration of Sacramento-San Joaquin Delta resources, \$12,000,000 to the department to complete planning and feasibility studies associated with new surface storage under the California Bay-Delta Program, \$15,000,000 to the department for planning and feasibility studies to identify potential options for the reoperation of the state's flood protection and water supply systems, \$10,000,000 to the department for response to climate change, and \$10,000,000 to the department for planning and feasibility studies to implement the Delta Vision; and of the funds made available under the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, ~~\$3,490,000~~ \$3,760,000 to the department for planning and feasibility studies associated with surface storage under the California Bay-Delta Program.

The bill would provide that up to 5% of the funds appropriated by the bill may be expended to pay for the administrative costs of that program. The bill would provide that funds appropriated by the bill are available for encumbrance until June 30, 2010. On January 10, 2009, program recipients would be required to report to the fiscal committees of the Legislature with regard to the committed and anticipated expenditures of these funds.

(3) Under the Porter-Cologne Water Quality Control Act, the State Water Resources Control Board and the California regional water quality control boards are the principal state agencies with authority over matters relating to water quality.

This bill would require the state board, in consultation with other agencies, to develop pilot projects in the Tulare Lake Basin and the Salinas Valley focused on nitrate contamination. The bill would require the state board to create an interagency task force, as needed, to oversee the pilot projects, and to submit a report to the Legislature on the scope and findings of the projects within 2 years of receiving funding. The

state board would be required to implement recommendations for developing a groundwater cleanup program for the Central Valley Water Quality Control Region and the Central Coast Water Quality Control Region based upon pilot project results within 2 years of submitting the report to the Legislature.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The Department of Water Resources issued a report in 2006
4 on climate change and California's water resources, and concluded
5 that climate change is likely to have significant effects on
6 California's water supply projects and the Sacramento-San Joaquin
7 Delta.

8 (b) The State Energy Resources Conservation and Development
9 Commission's Integrated Energy Policy Report (CEC-IEPR)
10 produced in 2005 estimates that water-related energy use consumes
11 19 percent of the state's electricity, 30 percent of its natural gas,
12 and 88 billion gallons of diesel fuel every year.

13 (c) The CEC-IEPR also found that water supply and conveyance
14 have both the highest energy magnitude and the greatest variability
15 in energy intensity in the water use cycle.

16 (d) The California Global Warming Solutions Act of 2006
17 requires the adoption of a statewide greenhouse gas emissions
18 limit equivalent to the statewide greenhouse gas emissions level
19 in 1990 to be achieved by 2020. Existing law requires all state
20 agencies to consider and implement strategies to reduce their
21 greenhouse gas emissions.

22 (e) The CEC-IEPR concluded that, in many areas of the state,
23 recycled water is the least energy-intensive source of new water
24 supply. Increased use of recycled water statewide will reduce
25 California's energy consumption and help meet the state's goal of
26 reducing greenhouse gas emissions, as required by the California
27 Global Warming Solutions Act of 2006.

28 (f) Increasing water conservation statewide will also reduce
29 California's energy consumption and help meet the state's goal of

1 reducing greenhouse gas emissions, as required by the California
2 Global Warming Solutions Act of 2006.

3 (g) California should improve its overall planning process to
4 ensure a safe, clean, and reliable water supply by giving more
5 consideration to the impacts of climate change on the state's water
6 resources, and by identifying water supply options that will help
7 the state meet the requirements of the California Global Warming
8 Solutions Act of 2006.

9 SEC. 2. Part 1.6 (commencing with Section 10100) is added
10 to Division 6 of the Water Code, to read:

11
12 PART 1.6. CLIMATE CHANGE AND WATER RESOURCES

13
14 10100. This part shall be known and may be cited as the
15 Climate Change and Water Resource Protection Act of 2008.

16 10101. (a) The department, as part of its statewide water
17 resource management responsibilities, shall include an analysis of
18 the potential effects of climate change, to the extent applicable, in
19 all reports or plans relating to water management or planning that
20 the department is required to prepare. These reports or plans include
21 all of the following:

22 (1) The biennial report on the overall delivery capability of the
23 State Water Project and the allocation of that capacity to each
24 contractor.

25 (2) The California Water Plan prepared pursuant to Part 1.5
26 (commencing with Section 10004).

27 (3) Reports related to the Sacramento-San Joaquin Delta.

28 (4) State Plan of Flood Control.

29 (5) Bulletin 118 and other bulletins issued by the department
30 concerning the statewide status of groundwater resources.

31 (b) On or before July 1, 2009, the department shall identify
32 available peer-reviewed information, or in its absence, the best
33 available scientific information, including information produced
34 in response to Executive Order S-3-05, regarding climate change
35 and water resources for the state and each of the state's hydrologic
36 regions for use by state and local agencies for the purposes
37 described in Sections 10103 and 10104. To the maximum extent
38 practicable, the department shall make the information available
39 on its Internet Web site or through other readily available means.
40 In conjunction with the preparation of the California Water Plan,

1 the department shall work with the California Environmental
2 Protection Agency and the scientific community to periodically
3 update the climate change information, as appropriate.

4 (c) The department shall not approve any request for a grant
5 pursuant to Section 75026 of the Public Resources Code; submitted
6 after January 1, 2011, unless the integrated regional water
7 management plan that is the basis of the grant application includes
8 consideration of the information regarding climate change made
9 available in accordance with subdivision (b) or other relevant
10 information if the applicant deems that information reasonably
11 reliable. If this information is not available, or does not apply to
12 a particular integrated regional water management planning area,
13 the grant applicant is not subject to the requirements of this section
14 and the body adopting the integrated regional water management
15 plan shall adopt a written statement that information pursuant to
16 subdivision (b) is not available, or does not apply to the integrated
17 regional water management in the planning area.

18 10102. (a) In order to assist local and state agencies in
19 implementing the California Global Warming Solutions Act of
20 2006 (Division 25.5 (commencing with Section 38500) of the
21 Health and Safety Code), the department, in collaboration with
22 the State Water Resources Control Board, the State Air Resources
23 Board, the State Energy Resources Conservation and Development
24 Commission, and the Public Utilities Commission, shall prepare
25 a report that quantifies the energy savings and greenhouse gas
26 emission reductions associated with water supply development,
27 including, but not limited to, increasing the use of recycled water
28 to offset the use of potable water for nonpotable uses in the state
29 and expanding reliance on water conservation. For the purposes
30 of this section, the State Water Resources Control Board has the
31 primary responsibility for the analysis of recycled water and the
32 department has primary responsibility for the analysis of all other
33 water supply development alternatives.

34 (b) In making the quantifications required by subdivision (a),
35 the agencies shall use the best scientific information available and
36 consult with all interested local agencies.

37 (c) The report shall quantify statewide energy savings and
38 greenhouse gas emission reductions by utilizing various scenarios
39 that assume the state will exceed its current use of recycled water
40 and will meet or exceed the state's goal for water recycling

1 established by Section 13577. The study shall consider energy
2 savings and greenhouse gas emission reductions in each region
3 identified in Section 13200 from all possible nonpotable uses of
4 recycled water, including, but not limited to, *all of* the following
5 agricultural, industrial, environmental, groundwater recharge,
6 commercial, urban irrigation, and domestic uses:

- 7 (1) Flushing toilets and urinals.
- 8 (2) Priming drain traps.
- 9 (3) Industrial process water that may come into contact with
10 workers.
- 11 (4) Structural fire fighting.
- 12 (5) Decorative fountains.
- 13 (6) Commercial laundries.
- 14 (7) Consolidation of backfill around potable water pipelines.
- 15 (8) Artificial snow making for commercial outdoor use.
- 16 (9) Commercial car washes, including hand washes if the
17 recycled water is not heated, where the general public is excluded
18 from the washing process.
- 19 (10) Industrial boiler feed.
- 20 (11) Nonstructural fire fighting.
- 21 (12) Backfill consolidation around nonpotable piping.
- 22 (13) Soil compaction.
- 23 (14) Mixing concrete.
- 24 (15) Dust control on roads and streets.
- 25 (16) Cleaning roads, sidewalks, and outdoor work areas.
- 26 (17) Industrial process water that will not come into contact
27 with workers.

28 (d) In making the quantification related to water conservation,
29 the report shall quantify statewide energy savings and greenhouse
30 gas emission reductions assuming the potential water use efficiency
31 identified in the department's Bulletin 160-05. The report shall
32 include recommendations as to emission reduction measures that
33 provide state agencies a way to reduce greenhouse gas emissions
34 from water use.

35 (e) The department shall submit the report required by
36 subdivision (a) to the Governor and the Legislature, and make the
37 report available to the public, on or before January 1, ~~2009~~ 2010.
38 The report shall include specific policy recommendations and
39 administrative actions that will assist the state in meeting the
40 requirements of Section 38560.5 of the Health and Safety Code

1 to identify and implement specific greenhouse gas emission
2 reduction measures.

3 10103. For the purpose of the triennial review of applicable
4 water quality standards pursuant to Section 303(c)(1) of the Clean
5 Water Act (33 U.S.C. Sec. 1313 (c)(1)), the State Water Resources
6 Control Board and each California regional water quality control
7 board shall consider, to the extent practicable, the reasonably
8 foreseeable effects of climate change on the water quality of the
9 basin, based on the applicable information made available pursuant
10 to subdivision (b) of Section 10101 and other information that the
11 State Water Resources Control Board or the California regional
12 water quality control board deems relevant and reliable.

13 10104. (a) On and after July 1, 2009, an urban water supplier
14 that is required to prepare a plan pursuant to Part 2.6 (commencing
15 with Section 10610) shall do all of the following:

16 (1) Request or otherwise obtain from the department the
17 information regarding climate change and water supply made
18 available pursuant to subdivision (b) of Section 10101.

19 (2) Identify, to the extent practicable, the possible effects of
20 climate change on its water supply projections based on the
21 information made available pursuant to subdivision (b) of Section
22 10101 or other relevant information if the supplier deems that
23 information reasonably reliable.

24 (3) Consider the information regarding climate change and water
25 supply made available pursuant to subdivision (b) of Section 10101
26 or other information if the supplier deems that information
27 reasonably reliable in describing the reliability of its water supply
28 pursuant to subdivision (c) of Section 10631 and the reliability of
29 water service to its customers pursuant to Section 10635.

30 (b) On and after January 1, 2010, an agricultural water supplier
31 that is required to prepare a plan pursuant to Part 2.8 (commencing
32 with Section 10800) shall do all of the following:

33 (1) Request or otherwise obtain from the department the
34 information regarding climate change and water supply made
35 available pursuant to subdivision (b) of Section 10101.

36 (2) Consider the information regarding climate change and water
37 supply made available pursuant to subdivision (b) of Section 10101
38 or other relevant information if the supplier deems that information
39 reasonably reliable in describing the quantity and source of water
40 delivered to, and by, the supplier.

1 (c) If the information described in subdivision (b) of Section
2 10101 is not available or does not apply to a supplier described in
3 subdivision (a) or (b), the supplier is not subject to the requirements
4 of this section and the governing board of a supplier specified in
5 subdivision (a) or (b) shall adopt a written statement stating that
6 the information described in subdivision (b) of Section 10101 is
7 not available or does not apply to the supplier.

8 SEC. 3. Division 33 (commencing with Section 83000) is added
9 to the Water Code, to read:

10
11 DIVISION 33. INTEGRATED WATER SUPPLY AND
12 FLOOD PROTECTION PLANNING, DESIGN, AND
13 IMPLEMENTATION
14

15 83000. The Legislature hereby finds and declares all of the
16 following:

17 (a) Water is vital to the economy, environment, and overall
18 well-being of the state.

19 (b) California faces increasing challenges in managing its water
20 supply due to climate change, uncertainty regarding the availability
21 of water from the Sacramento-San Joaquin Delta and other sources,
22 an increasing state population, limitations on public funds, and
23 other factors.

24 (c) California must adopt a new, updated, and comprehensive
25 set of water planning, design, and implementation policies that
26 reflect these realities to protect its water supply future.

27 (d) In the past, state laws, funding schemes, and administrative
28 actions have treated the planning, construction, and operation of
29 water supply, groundwater, and flood control systems as separate
30 and distinct activities, thereby reducing efficiency and water supply
31 reliability.

32 (e) California has not taken full advantage of the cost savings,
33 the environmental benefits, or the expediency of more efficient
34 operations and usage of existing water supply, storage, and flood
35 protection facilities.

36 (f) It is the policy of the state to more effectively integrate its
37 flood protection systems with its water supply and conveyance
38 systems in order to conserve limited public dollars, increase the
39 available water supply, improve water quality, increase wildlife

1 and ecosystem protections, protect public health and safety, and
2 address the effects of climate change.

3 (g) The purpose of this division is to require the integration of
4 flood protection and water systems to achieve multiple public
5 benefits, including all of the following:

6 (1) Increasing water supply reliability in the least costly, most
7 efficient, and most reliable manner to meet current and future state
8 needs.

9 (2) Increasing use of water use efficiency and water conservation
10 measures to increase and extend existing water supplies.

11 (3) Reducing energy consumption associated with water
12 transport, thereby reducing state greenhouse gas emissions.

13 (4) Improving water management to protect and restore
14 ecosystems and wildlife habitat.

15 83001. In order to provide the least costly, most efficient, and
16 reliable water supply to a growing state, it is the intent of the
17 Legislature that the department accomplish *all of* the following
18 objectives:

19 (a) Integrate state flood protection and water supply systems.

20 (b) Promote conjunctive use of groundwater storage capacity
21 to improve overall water supply and flood system operation.

22 (c) Promote increased water use efficiency through expanded
23 use of water conservation, water recycling, and improvements in
24 technology.

25 83002. The sum of six hundred ten million ~~eight hundred ninety~~
26 ~~thousand dollars (\$610,890,000)~~ *one hundred sixty thousand*
27 *dollars (\$610,160,000)* is hereby appropriated as follows:

28 (a) Of the funds made available pursuant to Chapter 1.699
29 (commencing with Section 5096.800) of Division 5 of the Public
30 Resources Code, the sum of two hundred ~~million dollars~~
31 ~~(\$200,000,000)~~ *four million dollars (\$204,000,000)* is hereby
32 appropriated as follows:

33 (1) Pursuant to subdivision (c) of Section 5096.821 of the Public
34 Resources Code, the sum of ~~fifty million dollars (\$50,000,000)~~
35 *fifty-four million dollars (\$54,000,000)* to the department for the
36 acquisition, design, and construction of essential emergency
37 preparedness supplies and projects in accordance with that
38 subdivision. Prior to the design or construction of any project
39 funded pursuant to this paragraph, the California Bay-Delta

1 Authority, or its successor, shall approve the specific project or
2 program.

3 (2) Pursuant to Section 5096.827 of the Public Resources Code,
4 the sum of one hundred fifty million dollars (\$150,000,000) to the
5 department for grants for stormwater flood management projects
6 that reduce the risk of flood damage and provide other benefits,
7 including groundwater recharge, water quality improvement, and
8 ecosystem restoration. ~~Not less than one hundred million dollars~~
9 ~~(\$100,000,000) of this amount shall be available for projects that~~
10 ~~address immediate public health and safety needs, strengthen~~
11 ~~existing flood control facilities to address seismic safety issues,~~
12 ~~meet immediate water quality needs related to combined municipal~~
13 ~~sewer and stormwater systems to prevent sewage discharges into~~
14 ~~state waters, or for stormwater flood protection projects protecting~~
15 ~~public safety and property from flood events.~~

16 (b) Of the funds made available pursuant to Division 43
17 (commencing with Section 75001) of the Public Resources Code,
18 the sum of ~~three hundred ninety-seven million four hundred~~
19 ~~thousand dollars (\$397,400,000)~~ *four hundred two million four*
20 *hundred thousand dollars (\$402,400,000)* is hereby appropriated
21 as follows:

22 (1) Pursuant to Section 75022 of the Public Resources Code,
23 the sum of fifty million dollars (\$50,000,000) to the State
24 Department of Public Health for grants for small community
25 drinking water system infrastructure improvements and related
26 actions to meet safe drinking water standards. First priority for
27 these funds shall be given to disadvantaged or severely
28 disadvantaged communities lacking resources to provide safe
29 drinking water to residents. Small community drinking water
30 systems that are dependent on surface water and are under orders
31 from the State Department of Public Health to boil water from
32 existing treatment systems for parasites, viruses, or giardia shall
33 be eligible for grants for drinking water system infrastructure
34 improvements.

35 (2) Pursuant to Section 75025 of the Public Resources Code,
36 the sum of fifty million four hundred thousand dollars
37 (\$50,400,000) to the State Department of Public Health for grants
38 for projects to prevent or reduce the contamination of groundwater
39 that serves as a source of drinking water. Funds appropriated by
40 this paragraph shall be available for projects immediately needed

1 to protect public health by preventing or reducing the
2 contamination of groundwater that serves as a major source of
3 drinking water for a community.

4 (A) The State Department of Public Health shall prioritize
5 project funding based on the following criteria:

6 (i) The threat posed by groundwater contamination to the
7 affected community's overall drinking water supplies, including
8 the need for the treatment or construction of alternative supplies
9 if groundwater is not available due to contamination.

10 (ii) The potential for groundwater contamination to spread and
11 reduce drinking water supply and water storage capacity for major
12 population areas.

13 (iii) The potential of the project, if fully implemented, to enhance
14 local water supply reliability.

15 (iv) The potential of the project to increase opportunities for
16 groundwater recharge and optimization of groundwater supplies.

17 (B) The State Department of Public Health shall give additional
18 consideration to projects that meet any of the following criteria:

19 (i) The project is implemented pursuant to a comprehensive
20 basinwide groundwater quality management and remediation plan
21 or is necessary to develop a comprehensive groundwater plan.

22 (ii) Affected groundwater provides a local supply that, if
23 contaminated, will require the importation of additional water from
24 the Sacramento-San Joaquin Delta or the Colorado River.

25 (iii) The project will serve an economically disadvantaged
26 community.

27 (iv) Multiple contaminants affect more than one-third of the
28 well capacity of a local water system.

29 (C) Of the amount made available by this ~~section~~ *paragraph*,
30 up to ten million dollars (\$10,000,000) shall be available for
31 projects that meet the criteria of this section and both of the
32 following criteria:

33 (i) The potential to leverage funds.

34 (ii) The project addresses contamination at a site on the list
35 maintained by the Department of Toxic Substances Control
36 pursuant to Section 25356 of the Health and Safety Code or a site
37 listed on the National Priorities List pursuant to the Comprehensive
38 Environmental Response, Compensation, and Liability Act of 1980
39 (42 U.S.C. Sec. 9601 et seq.).

1 (D) Of the funds appropriated by this paragraph, two million
2 dollars (\$2,000,000) shall be allocated to the State Department of
3 Public Health to contract with the State Water Resources Control
4 Board for the purposes of Section 83003.

5 (3) Pursuant to Section 75026 of the Public Resources Code,
6 the sum of forty million dollars (\$40,000,000) to the department
7 for planning grants and local groundwater assistance grants.

8 ~~(4) Pursuant to subdivision (d) of Section 75029 of the Public~~
9 ~~Resources Code, the sum of fifty million dollars (\$50,000,000) to~~
10 ~~the department for projects that improve the quality of the drinking~~
11 ~~water supply from the Sacramento-San Joaquin Delta in accordance~~
12 ~~with that subdivision.~~

13 *(4) Pursuant to subdivision (d) of Section 75029 of the Public*
14 *Resources Code, the sum of fifty-five million dollars (\$55,000,000)*
15 *to the department for drinking water intake facility projects to*
16 *improve the quality of drinking water supply from the*
17 *Sacramento-San Joaquin Delta that are identified in the June 2005*
18 *Delta Region Drinking Water Quality Management Plan. Funding*
19 *shall be made available for environmental review, design, and*
20 *construction. Project proponents seeking funding for construction*
21 *shall meet all of the following criteria:*

22 *(A) Have completed documentation required under the*
23 *California Environmental Quality Act (Division 13 (commencing*
24 *with Section 21000) of the Public Resources Act) and a notice of*
25 *determination has been filed prior to June 30, 2008.*

26 *(B) Have demonstrated multiple benefits in conveyance and*
27 *delta operations to achieve protection or improvement to delta*
28 *pelagic fisheries as well as drinking water quality improvement*
29 *and public health protection.*

30 *(C) Are able to complete design and commence construction*
31 *before June 30, 2009.*

32 *(D) Have local or federal cost-sharing funds immediately*
33 *available.*

34 (5) Pursuant to Section 75033 of the Public Resources Code,
35 the sum of one hundred sixty million dollars (\$160,000,000) to
36 the department and the Central Valley Flood Protection Board, as
37 follows:

38 (A) Sixty million dollars (\$60,000,000) to increase the
39 department's ability to respond to levee breaches and to reduce

1 the potential for levee failure, including, but not limited to, the
2 following:

3 (i) Acquisition and positioning of emergency construction
4 materials and equipment.

5 (ii) Emergency projects to prevent levee failure or repair levees
6 or other flood control facilities to restore conveyance and flood
7 protection.

8 (iii) Preparation for, and implementation of, a delta emergency
9 operations plan.

10 (iv) Emergency contracts for activities relating to a flood fight
11 or levee failure to prevent or mitigate loss of, or damage to, life,
12 health, property, or essential public services.

13 (B) One hundred million dollars (\$100,000,000) for the
14 acquisition, preservation, protection, and restoration of
15 Sacramento-San Joaquin Delta resources in accordance with
16 Section 75033. The department shall expend these funds pursuant
17 to priorities that reflect the value of the resources and land uses
18 protected by the levees to the state as a whole, consistent with the
19 Delta Vision. Projects shall be selected to improve the stability of
20 the delta levee system, reduce subsidence, and assist in restoring
21 the ecosystem of the delta. Priority shall be given to projects that
22 improve conditions for delta smelt and other native fish without
23 regard to long-term decisions as to the management and
24 conveyance of water south of the Delta, including, but not limited
25 to, all of the following projects:

26 (i) Restoration of floodplain habitat and fish migration through
27 the Yolo Bypass.

28 (ii) Restoration of tidal marsh in Suisun Marsh.

29 (iii) Expedited implementation of Dutch Slough tidal marsh
30 restoration project.

31 (iv) Acquisition and restoration of Decker Island.

32 (v) Restoration and enhancement of the Cache Slough region.

33 (vi) Implementation of the McCormack Williamson Tract flood
34 control and ecosystem restoration project.

35 (6) Pursuant to Chapter 4 (commencing with Section 75041) of
36 Division 43 of the Public Resources Code, the sum of forty-seven
37 million dollars (\$47,000,000) to the department as follows:

38 (A) (i) Twelve million dollars (\$12,000,000) to complete the
39 planning and feasibility studies associated with new surface storage
40 under the California Bay-Delta Program.

1 (ii) The planning and feasibility studies shall include the
2 following information:

3 (I) The identification of specific construction and operation
4 conditions proposed for each surface storage facility, including
5 consideration of climate change, an estimated schedule for the
6 construction and completion of each project funded under Section
7 75041, and the total costs of constructing each project.

8 (II) A description of the estimated total costs to construct each
9 project and an allocation of the costs to public and private
10 beneficiaries.

11 (iii) Any feasibility study conducted or funded by the state for
12 new surface storage under the California Bay-Delta Program shall
13 evaluate funded projects consistent with all statutory and other
14 legally established requirements for the protection of environmental
15 and natural resources, including protections for the McCloud River
16 pursuant to Section 5093.542 of the Public Resources Code.

17 (iv) The planning and feasibility studies shall be prepared and
18 submitted to the Governor and the Legislature no later than
19 ~~December 31, 2008~~ *June 30, 2010*.

20 (B) (i) Fifteen million dollars (\$15,000,000) for planning and
21 feasibility studies to identify potential options for the reoperation
22 of the state's flood protection and water supply systems that will
23 optimize the use of existing facilities and groundwater storage
24 capacity.

25 (ii) The studies shall incorporate appropriate climate change
26 scenarios and be designed to determine the potential to achieve
27 the following objectives:

28 (I) Integration of flood protection and water supply systems to
29 increase water supply reliability and flood protection, improve
30 water quality, and provide for ecosystem protection and restoration.

31 (II) Reoperation of existing reservoirs, flood facilities, and other
32 water facilities in conjunction with groundwater storage to improve
33 water supply reliability, flood control, and ecosystem protection
34 and to reduce groundwater overdraft.

35 (III) Promotion of more effective groundwater management and
36 protection and greater integration of groundwater and surface water
37 resource uses.

38 (IV) Improvement of existing water conveyance systems to
39 increase water supply reliability, improve water quality, expand
40 flood protection, and protect and restore ecosystems.

1 (C) Ten million dollars ~~(\$10,000,000)~~ and *(\$10,000,000) and*
2 authorization for up to 10 personnel to begin addressing how the
3 state water system should respond to climate change, pursuant to
4 the Climate Change and Water Resource Protection Act of 2008
5 (Part 1.6 (commencing with Section 10100) of Division 6).
6 Consistent with that act, such funding shall be used to evaluate
7 climate change impacts, develop strategies to adapt to climate
8 change impacts, and identify strategies to reduce greenhouse gas
9 emissions related to the storage, conveyance, and distribution of
10 water. Of the amount made available by this subparagraph, the
11 department shall make available two million dollars (\$2,000,000)
12 to the State Water Resources Control Board for its participation
13 in these efforts. The department may transfer funds to other state
14 agencies and may provide local assistance to local water agencies
15 for participation in these efforts.

16 (D) Ten million dollars (\$10,000,000) for planning and
17 feasibility studies to implement the Delta Vision.

18 (c) Of the funds made available pursuant to subdivision (a) of
19 Section 79550, the sum of three million ~~four hundred ninety~~
20 ~~thousand dollars (\$3,490,000)~~ *seven hundred sixty thousand dollars*
21 *(\$3,760,000)* is hereby appropriated to the department for planning
22 and feasibility studies associated with surface storage under the
23 California Bay-Delta Program.

24 83003. To improve understanding of the causes of groundwater
25 contamination, identify potential solutions and funding sources to
26 clean up or treat groundwater, and ensure the provision of safe
27 drinking water to all communities, the State Water Resources
28 Control Board, in consultation with other agencies as specified in
29 this section, shall develop pilot projects in the Tulare Lake Basin
30 and the Salinas Valley that focus on nitrate contamination and do
31 all of the following:

32 (a) (1) In collaboration with relevant agencies and utilizing
33 existing data, including groundwater ambient monitoring and
34 assessment results along with the collection of new information
35 as needed, do all of the following:

36 (A) Identify sources, by category of discharger, of groundwater
37 contamination due to nitrates in the pilot project basins.

38 (B) Estimate proportionate contributions to groundwater
39 contamination by source and category of discharger.

1 (C) Identify and analyze options within the board's current
2 authority to reduce current nitrate levels and prevent continuing
3 nitrate contamination of these basins and estimate the costs
4 associated with exercising existing authority.

5 (2) In collaboration with the State Department of Public Health,
6 do all of the following:

7 (A) Identify methods and costs associated with the treatment
8 of nitrate contaminated groundwater for use as drinking water.

9 (B) Identify methods and costs to provide an alternative water
10 supply to groundwater reliant communities in each pilot project
11 basin.

12 (3) Identify all potential funding sources to provide resources
13 for the cleanup of nitrates, groundwater treatment for nitrates, and
14 the provision of alternative drinking water supply, including, but
15 not limited to, state bond funding, federal funds, water rates, and
16 fees or fines on polluters.

17 (4) Develop recommendations for developing a groundwater
18 cleanup program for the Central Valley Water Quality Control
19 Region and the Central Coast Water Quality Control Region based
20 upon pilot project results.

21 (b) Create an interagency task force, as needed, to oversee the
22 pilot projects and develop recommendations for the Legislature.
23 The interagency task force may include the board, the State
24 Department of Public Health, the Department of Toxic Substances
25 Control, the California Environmental Protection Agency, the
26 department, local public health officials, the Department of Food
27 and Agriculture, and the Department of Pesticide Regulation.

28 (c) Submit a report to the Legislature on the scope and findings
29 of the pilot projects, including recommendations, within two years
30 of receiving funding.

31 (d) Implement recommendations in the Central Coast Water
32 Quality Control Region and the Central Valley Water Quality
33 Control Region pursuant to paragraph (4) of subdivision (a) within
34 two years of submitting the report described in subdivision (c) to
35 the Legislature.

36 83004. Up to 5 percent of the funds appropriated by this
37 division may be expended to pay the *administrative* costs incurred
38 in the ~~administration~~ *implementation* of that program.

39 83005. Funds appropriated by this division shall only be
40 available for encumbrance until June 30, 2010. On January 10,

1 2009, any program that is the recipient of an appropriation made
2 by this division shall report to the fiscal committees of the
3 Legislature on the details of all committed and anticipated
4 expenditures of these funds. The report shall include all of the
5 following information:

6 (a) Fiscal detail of state operations support and local assistance
7 costs.

8 (b) A general description of the project and the project funding
9 made available by an appropriation in the annual Budget Act for
10 the 2009–10 fiscal year or proposed to be made available in the
11 annual Budget Act for the 2009–10 fiscal year.

12 (c) A description of the manner in which funds have been
13 expended and a plan for the future expenditure of funds.

14 (d) An anticipated timeframe for the full expenditure of the
15 appropriation.

16 (e) An anticipated timeframe for the full completion of the
17 designated project.

18 (f) The amount of total matching project funding that is being
19 provided by an entity other than the state.

20 ~~83006. The Legislature further finds and declares the following:~~

21 ~~(a) At the November 7, 2006, statewide general election, the~~
22 ~~voters approved nine billion five hundred thousand dollars~~
23 ~~(\$9,000,500,000) in general obligation bonding authority to~~
24 ~~improve flood protection, water supply reliability, water quality,~~
25 ~~fish and wildlife, parks and open space, and other natural resources.~~
26 ~~This is in addition to the eleven billion one hundred thousand~~
27 ~~dollars (\$11,000,100,000) previously authorized by the voters~~
28 ~~since 1996 for similar uses.~~

29 ~~(b) The Legislative Analyst reports that at the end of the~~
30 ~~2006–07 fiscal year, more than one billion two hundred thousand~~
31 ~~dollars (\$1,000,200,000) of the previously authorized eleven billion~~
32 ~~one hundred thousand dollars (\$11,000,100,000) had not been~~
33 ~~appropriated or otherwise committed for voter-approved uses.~~

34 ~~(c) The proceeds of bonds approved by the voters of the state~~
35 ~~for water and natural resources should be appropriated and~~
36 ~~expended for those uses, as directed by the voters.~~